

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

IN RE:

TERRY WAYNE BAILEY
NANETTE NOLENE BAILEY

CASE NO: 11-10069-RLJ-13

HEARING DATE: 10/2/2013

HEARING TIME: 11:00am

TRUSTEE'S MOTION TO DISMISS CASE WITH PREJUDICE

NOW COMES Walter O'Cheskey, Chapter 13 Trustee, and files this Trustee's Motion to Dismiss Case with Prejudice in accordance with 11 U.S.C. 1307(c), Rule 9014, Rule 1017(f)(1), and General Order 2010-01 and would respectively show unto to the Court as follows:

Debtor is in material default of the most recent confirmed plan or modified plan per 11 U.S.C. 1307(c). The most recent confirmed plan or modified plan required the Debtor(s) to pay \$394.00 per month beginning 3/30/2011. The total amount paid to the Trustee is \$11,019.00 and the total amount in arrears is \$368.00 through July 2013.

Certified funds must be delivered to the following address to cure this default:

**Standing Chapter 13 Trustee
PO Box 94210
Lubbock, TX 79493**

This motion is filed with prejudice due to prior case filings.

WHEREFORE, the Trustee prays that this Chapter 13 case be dismissed with prejudice per 11 U.S.C. 1307(c).

Respectfully submitted,

/s/ Walter O'Cheskey

Walter O'Cheskey
Chapter 13 Trustee

A HEARING WILL BE HELD 10/2/2013 AT 11:00am AT THE FOLLOWING ADDRESS:

VIDEO: US COURTHOUSE ROOM 2201, 3RD & PINE, ABILENE, TEXAS 79604

A PRE-HEARING CONFERENCE SHALL BE HELD AT THE SAME LOCATION AT 8:30am ALL PARTIES ARE REQUIRED TO ATTEND THE PREHEARING CONFERENCE.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Dismiss was this date served on the following parties electronically or at the addresses listed below by U.S. First Class mail:

TERRY WAYNE BAILEY & NANETTE NOLENE BAILEY 3609 TRINITY LANE ABILENE TX 79602

MCCREARY VESELKA BRAGG & ALLEN PO BOX 1269 ROUND ROCK TX 78680

DEVLIN NAYLOR & TURBYFILL 4801 WOODWAY SUITE 420 WEST HOUSTON TX 77056

JAMES W KING OFFERMAN & KING LLP 6420 WELLINGTON PLACE BEAUMONT TX 77706

Date: 8/6/2013

/s/ Walter O'Cheskey

Walter O'Cheskey
Chapter 13 Trustee